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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,120	05/22/2001	Masaya Matsuura	397.31.01	9566

22242 7590 09/16/2005

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CHICAGO, IL 60603-3406

EXAMINER

LU, TOM Y

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,120

Applicant(s)

MATSUURA ET AL.

Examiner

Tom Y. Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed on 6/22/2005 has been considered.
2. No amendment to the claims has been filed.
3. Claims 1-13 are pending.

Response to Arguments

4. Applicant's arguments, see Remarks, filed 6/22/2005, with respect to the rejection(s) of claim(s) claims 1, 6 and 9 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Oka Masaaki (JP Patent No. 05101161 A, date of publication: 04/23/1993).

Priority

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 10/14/1999. It is noted, however, that applicant has not filed a certified copy of the JP 11-293058 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 9-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
 - a. With regard to Claim 9, a recording medium stores a program, but does not comprise the recited steps. The examiner suggests "a computer program stored on a computer medium comprises instructional steps of:" for preamble.

- b. Claims 10-13 are rejected as being dependent upon Claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Oka Masaaki (JP Patent No. 05101161 A, a copy of translation is attached herein).

- a. Referring to Claim 1, Masaaki discloses an image apparatus (see figure 1) comprising: means for generating a line drawing image (an example of line drawing image is shown in figure 6A, which is a line drawing image of cloth) comprising line drawing image pieces (the horizontal lines and vertical lines are the claim line drawing image pieces); means for imparting vibrations to each of said line drawing image pieces to produce animation of the line drawing image (paragraph [0034], random-number vectors are added to new coordinates to stimulate fluctuation of the line drawing image of cloth, which deforms as wave-like vibration as shown in figure 6B); and means for drawing vibrating line drawing image pieces in a memory (the drawing of the image deformation occurs in memory 4, see paragraph [0005]).
- b. Referring to Claim 2, Masaaki discloses wherein said line drawing image comprises a three-dimensional line drawing image (paragraph [0019]).
- c. Referring to Claim 3, Masaaki discloses wherein said means for imparting vibrations generates vibrations to each of said line drawing image pieces by adding a random

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number to each coordinate of vertices of polygons forming each of said line drawing image pieces in a three dimensional space (see paragraphs [0024] and [0034]).

- d. Referring to Claim 4, Masaaki discloses wherein said three-dimensional line drawing image drawn in said memory by said means for drawing is substantially linear image comprising vibrating line drawing image pieces horizontally extending substantially from the said to another said on a display screen (see figure 6B, the vertical lines are extended horizontally to another said).
- e. Referring to Claim 5, Masaaki discloses wherein a vibrating non-linear line drawing image is inserted in a part of said substantially linear image comprising vibrating line drawing image pieces (see figures 6C and 6D, some lines are substantially linear and some are not).
- f. With regard to Claim 6, see explanation in Claim 1.
- g. With regard to Claim 7, see explanation in Claim 2.
- h. With regard to Claim 8, see explanation in Claim 3.
- i. With regard to Claim 9, Masaaki discloses the apparatus is a computer-like device, which inherently contains a recording medium storing a program), the rest of limitations are addressed in Claim 1.
- j. With regard to Claim 10, see explanation of Claim 2.
- k. With regard to Claim 11, see explanation of Claim 3.
- l. With regard to Claim 12, see explanation of Claim 4.
- m. With regard to Claim 13, see explanation of Claim 5.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a. Jackson et al, U.S. Patent No. 5,561,745, see figure 2.
- b. Yamaguchi Kentaro, JP Publication 2000-132709, see whole document. A copy of translation is attached.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu



JOSE L. COUSO
PRIMARY EXAMINER